

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
REVIEW PETITION STAMP NO.29879 OF 2005
IN
APPEAL FROM ORDER NO.905 OF 2005

Bhavesh C. Shah

Petitioner

Vs.

Kapildev R. Gupta

Respondent

Mr.G.S.Godbole with Mr.Pankaj S. Shah for petitioner.
Mr.S.K.Chaurasia h/f.Mr.A.M.Saraogi for respondent.

CORAM: B.H.MARLAPALLE, J.

December 23, 2005.

P.C.

. Heard Mr.Godbole with Mr.Pankaj Shah the learned counsel for the petitioner and Mr.Chaurasia holding for Mr.A.M.Saraogi, the learned counsel for the respondent. A.O. No.905 of 2005 was dismissed by me on 30/9/2005 and the said appeal was filed by the review petitioner. A motion was taken out by the appellant for correction of typographical mistakes in the order dated 30/9/2005 and accordingly by the order dated 14/10/2005 the motion was disposed of by effecting necessary corrections in the title of the appeal memo as well as in paras 3 and 4 of the order. The order dated 30/9/2005 dismissing the A.O. No.905 of 2005 in limine came to be at the first instance challenged, surprisingly in L.P.A. No.202 of 2005

and the petitioner was successful in obtaining ad-interim protection by the order dated 28/10/2005 passed by the Division Bench (Palshikar & Bhosale, JJ.) and subsequently continued by another Division bench (Rebello & Smt.Dalvi, JJ.) on 16/11/2005. It appears that when the LPA came up before the Division Bench of Radhakrishnan & Smt. Tahilramani, JJ. on 20/12/2005, having realised that the same was not maintainable the LPA was withdrawn. The review petitioner ventured to file the LPA in spite of the bar for the same under Section 100-A of the C.P.C. which states that notwithstanding anything contained in any letters patent for any High Court or in any instrument having the force of law or in any other law for the time being in force, where an appeal from an original or appellate decree or order is heard and decided by a single Judge of the High Court, no further appeal shall lie from the judgment and decree of such single Judge.

. The grounds for review have been set out in para 19 of the review petition and it is evident that the order under review is sought to be challenged on merits, the remedy for which lies somewhere else and not in a review petition. None of the grounds set

out in support of this review petition make out a case to entertain this review petition under the Civil Procedure Code, in addition to the fact that the petitioner has abused the process of law by filing Letters Patent Appeal No.202 of 2005.

. Review Petition is hereby rejected summarily.

(B.H.MARLAPALLE, J.)